

**PATENT**

Attorney Docket No. 106.48

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of )

Joshua D. KAPLAN )

Application No.: 09/412,404 )

Filed: October 5, 1999 )

For: **NETWORK APPARATUS AND  
METHOD FOR PREVIEW OF  
MUSIC PRODUCTS AND COMP-  
ILATION OF MARKET DATA** )

A Continuation of: )

Serial No. 08/741,915, filed Oct. 31, 1996 )

Asst. Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In response to the Office Action mailed April 19, 2002, applicant submits this Amendment and Response for consideration. Please amend the claims to read as below and as indicated on the appended version with markings to show changes made, and consider the attached remarks. By this amendment, claims 39-51 and 61-66 have been cancelled (without prejudice, see below)<sup>1</sup>, and claims 21, 25-38 and 52-60 have been amended.

**AMENDMENTS**

Please amend the above-identified application as follows:

**In The Claims:**

Please cancel claims 39-51 and 61-66 without prejudice to their being re-filed and prosecuted in this application, or re-filed and prosecuted in a continuing patent application.

<sup>1</sup> As the Examiner has presented disparate rejections to both the video products claims and the written works claims, the written works claims have been cancelled and are being filed in a continuing application.

Examiner: FADOK, Mark A.

Art Unit: 2165

**RESPONSE TO OFFICE ACTION  
DATED APRIL 19, 2002****CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37****CER.**

I hereby certify that the correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office on this date August 9, 2002, addressed to Asst. Commissioner for Patents, Washington, D.C. 20231, facsimile no. 703-746-7239; Examiner:

Fadok.

By:

Saundra D. Hunter.